

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KEON ROSE,

Plaintiff,

vs.

DONALD HULICK,

Defendant.

No. 07-CV-153-DRH

ORDER

HERNDON, Chief Judge:

This matter comes before the Court on Petitioner's Motion to Reconsider Judgment in Favor of Defendant. (Doc. 22.) On March 17, 2008, the Court issued an Order adopting Magistrate Judge Donald G. Wilkerson's Report and Recommendation granting Defendant's motion to dismiss. (Doc. 20.) "Appellate courts agree that a post-judgment motion under **Fed. R. Civ. P. 60(b)** in the district court . . . is a 'second or successive' application for purposes of **§ 2244(b)**." **Burris v. Parke**, 130 F.3d 782, 783 (7th Cir. 1997). Accordingly, Petitioner's motion is considered a second or successive petition and since Petitioner has not received leave from the Court of Appeals to file a second or successive petition on any matters previously raised, this Court is without jurisdiction to consider Petitioner's motion. Under **28 U.S.C. § 2255**, "a second or successive motion must be certified as provided in section 2244 by a panel of the . . . court of appeals. . . ." Therefore,

Petitioner's motion is **DISMISSED** for lack of jurisdiction. (Doc. 22.)

IT IS SO ORDERED.

Signed this 11th day of April, 2008.

/s/ David R. Herndon

Chief Judge
United States District Court